

REMARKS

The Examiner's detailed Office Action and indication of allowable subject matter in claims 40, 43, 44, 48, as well as the corresponding suggested amendments, are acknowledged and appreciated. In order to expedite issuance of the present application, independent claim 39 has been canceled and independent claims 40 and 43 have been amended as suggested by the Examiner, without prejudice/disclaimer to the subject matter embodied thereby.

Claims 40-46 stand rejected under 35 U.S.C. § 112, second paragraph. It is respectfully submitted that the claims, as amended, are definite. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Claims 39-43 and 47 stand rejected under 35 U.S.C. § 103 as being unpatentable over JP '284 in view of Mazaki et al., and claims 45-46 stand rejected under 35 U.S.C. § 103 as being unpatentable over JP '284 in view of Mazaki et al. and den Boer et al.. The rejection of claim 39 is moot in view of the cancellation thereof. Claims 40 and 43, as amended in the manner suggested by the Examiner, are allowable as indicated by the Examiner on page 7 of the outstanding Office Action.

Claim 41 recites in pertinent part, "an electric field concentration portion in the display pixels; and at the electric field concentration portion, a bump-shaped protrusion is formed on at least one of the substrates, and *layering a transparent electrode on top of the bump-shaped protrusion*, it protrudes in the thickness direction of the liquid crystal layer." In contrast, the protrusion 31 disclosed by Wakemoto is formed by providing aluminum on a transparent electrode by a photolithography process. According to this process, therefore, aluminum may remain in unwanted regions other than the protrusion so as to cause a short.

On the other hand, according to the present invention recited in claim 41 which defines “a bump-shaped protrusion [that] is formed on at least one of the substrates, and *layering a transparent electrode on top of the bump-shaped protrusion*, it protrudes in the thickness direction of the liquid crystal layer”, such a problem can be avoided because the structural feature defined in amended claim 41 is such that the protrusion can form the bump-shaped portion, and the transparent electrode can be formed thereon.

Claim 45 recites in pertinent part, “a display electrode and/or a common electrode provided with openings in a region *within display pixels*.” In contrast, the relied on teachings of Den Boer et al. (US 5,641,974) discloses only a display electrode 3 provided with openings 35 and 38 as shown in Fig. 1 which are provided *outside the display pixels*. By having a display electrode and/or a common electrode provided with openings in a region within display pixels, the present invention can facilitate a transition of the alignment state of the liquid crystal layer within the display pixels so as to provide a satisfactory image display.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in the pending claims because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained

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in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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